

THE UNDER SECRETARY OF **LABOR**  
WASHINGTON, **D. C.**  
20210



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In the Matter of )

Northern California Indian Development )  
Council, Inc. (formerly known as )  
Tri-County Indian Development )  
Council, Inc. )

Petitioner )

**v.** )

Raymond J. Donovan, Secretary of Labor, )  
Department of Labor, )  
Respondent )

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Case No. **81-CTA-188**

REMAND ORDER

Now before me is a Memorandum by the U.S. Court of Appeals for the Ninth Circuit, in the matter of Northern California Indian Development Council, Inc., Petitioner v. Raymond J. Donovan, Secretary of Labor, Respondent, (Docket No. 83-7555, decided July 9, 1984) (Copy attached) remanding to me the Administrative Law Judge's (ALJ) decision in the above-captioned matter for further findings of fact and conclusions of law.

**In' particular**, the court raises questions whether the Department should be estopped from demanding the repayment of \$10,463.11 in disallowed costs because of the alleged approval by a Department of Labor official of the grantee's OJT reimbursement system. The court also remanded the case for reconsideration in light of its decision in Quechan Indian Tribe v. United States Department of Labor, 723 F.2d 733 (9th Cir. 1984).

The Court remanded that case to the Secretary to determine if it was equitable to require repayment of disallowed expenditures when there might be equities that militate against requiring repayment.

Since the matter was not adjudicated beyond the ALJ involved with the record therein, I am persuaded that this case should be remanded to the Office of Administrative Law Judges.

Accordingly, it is Ordered that the above-captioned matter is REMANDED to the Office of Administrative Law Judges of this Department for further proceedings consistent with the court's memorandum.

  
Under Secretary of Labor

Dated: **MAY 6 1985**  
Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: Northern California Indian Development  
Council, Inc.

Case No. : 81-CTA-188

Document : Remand Order

I hereby certify that the above-referenced document was mailed  
to the following persons on May 6, 1985.

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